MONTANA LEGISLATIVE HISTORY

Chapter 135 1995

Bill H 284 S _____ Original bill & history ✓ C

H. Committee on State Admin.			S. Committee on State Admin.		
Hearing Date(s)	1-25	✓ C	Hearing Date(s)	2-28	✓ C
	1-30	✓ C			C
		C			C
		C			C
Date Out		C			

Did this bill originate in an interim committee? ____Yes ____No

Committee _____ Report _____

House BILL NO. 284

INTRODUCED BY Pigg

A BILL FOR AN ACT ENTITLED: "AN ACT ELIMINATING THE PRIMARY ELECTION FOR NONPARTISAN MUNICIPAL OFFICES PROVIDED FOR UNDER THE MUNICIPAL COMMISSION-MANAGER FORM OF GOVERNMENT; AND AMENDING SECTIONS 13-14-115 AND 13-14-117, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 13-14-115, MCA, is amended to read:

"**13-14-115. Preparation and distribution of nonpartisan primary ballots -- determination on conducting a primary.** (1) The election administrators shall arrange, prepare, and distribute primary ballots for nonpartisan offices, designated "nonpartisan primary ballots". ~~They shall~~ The ballots must be arranged as other primary ballots and be without political designation.

(2) The number of nonpartisan primary ballots and sample ballots furnished ~~shall~~ must be the same as other primary ballots.

(3) (a) The election administrator of a political subdivision may determine that a primary need not be held if:

(i) the number of candidates for an office exceeds twice the number to be elected to that office in no more than one-half of the offices on the ballot; and

(ii) the number of candidates in excess of twice the number to be elected is not more than one for any office on the ballot.

(b) If the election administrator determines that a primary election need not be held pursuant to subsection (3)(a), ~~he must~~ the administrator shall give notice to the governing body that no primary election will be held.

(4) ~~The~~ Except as provided in subsection (5), the governing body may require that a primary election be held if it passes a resolution not more than 10 days after the close of filing by candidates for election, stating that a primary election ~~shall~~ must be held.

(5) A primary election may not be held for any office of a municipality organized under Title 7, chapter 3, part 43."

Section 2. Section 13-14-117, MCA, is amended to read:

"**13-14-117. Placing names on ballots for general election.** (1) ~~Candidates~~ Except as provided in subsection (2), candidates for nomination equal to twice the number to be elected at the general election who receive the highest number of votes cast at the primary are the nominees for the office. If the number of candidates is not more than twice the number to be elected, then all candidates are nominees for the office.

(2) All candidates who file for an office in a municipality organized under Title 7, chapter 3, part 43, are nominees for the office."

-END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for HB0284, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:
An act eliminating the primary election for nonpartisan municipal offices provided for under the municipal commission-manager from of government.

FISCAL IMPACT:

This bill has no fiscal impact on state government.

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:

This bill appears to have little effect on county or local government revenues or expenditures. However, smaller jurisdictions may experience some reduction in the costs of administering elections.

Dave Lewis 1-24-95

DAVE LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

J. Tropila 1/25/95

JOE TROPILA, PRIMARY SPONSOR DATE

Fiscal Note for HB0284, as introduced

HB 284

HB 282 INTRODUCED BY EWER

REVISE AND CLARIFY DUTIES AND RESPONSIBILITIES OF DEPARTMENT OF COMMERCE WITH RESPECT TO AUDITING AND SUPERVISING CERTAIN RECORDS AND FINANCIAL TRANSACTIONS OF LOCAL GOVERNMENTS

BY REQUEST OF THE DEPARTMENT OF COMMERCE

1/19	INTRODUCED		
1/19	FIRST READING		
1/19	REFERRED TO LOCAL GOVERNMENT		
1/20	FISCAL NOTE REQUESTED		
1/24	HEARING		
1/24	FISCAL NOTE RECEIVED		
1/25	FISCAL NOTE PRINTED		
1/28	COMMITTEE REPORT—BILL PASSED		
1/30	2ND READING PASSED	88	11
1/31	3RD READING PASSED	86	11
	TRANSMITTED TO SENATE		
2/01	FIRST READING		
2/01	REFERRED TO LOCAL GOVERNMENT		
3/02	HEARING		
3/04	COMMITTEE REPORT—BILL CONCURRED		
3/08	2ND READING CONCURRED	48	0
3/09	3RD READING CONCURRED	47	0
	RETURNED TO HOUSE		
3/11	SIGNED BY SPEAKER		
3/15	SIGNED BY PRESIDENT		
3/17	TRANSMITTED TO GOVERNOR		
3/21	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 179		
	EFFECTIVE DATE: 07/01/95		

HB 283 INTRODUCED BY TROPILA, ET AL.

ELIMINATE REQUIREMENT TO ROTATE NAMES ON BALLOTS

1/19	INTRODUCED		
1/19	FIRST READING		
1/19	REFERRED TO STATE ADMINISTRATION		
1/20	FISCAL NOTE REQUESTED		
1/25	HEARING		
1/25	FISCAL NOTE RECEIVED		
1/25	FISCAL NOTE PRINTED		
1/31	COMMITTEE REPORT—BILL PASSED AS AMENDED		
2/01	2ND READING DO PASS MOTION FAILED	45	54

HB 284 INTRODUCED BY TROPILA

RAISE NUMBER OF CANDIDATES NECESSARY BEFORE AN ELECTION ADMINISTRATOR IS REQUIRED TO CONDUCT A PRIMARY ELECTION

1/19	INTRODUCED		
1/19	FIRST READING		
1/19	REFERRED TO STATE ADMINISTRATION		
1/20	FISCAL NOTE REQUESTED		
1/24	FISCAL NOTE RECEIVED		
1/25	FISCAL NOTE PRINTED		
1/25	HEARING		
1/31	COMMITTEE REPORT—BILL PASSED AS AMENDED		
2/01	2ND READING PASSED	93	7
2/02	3RD READING PASSED	90	4

	TRANSMITTED TO SENATE		
2/03	FIRST READING		
2/03	REFERRED TO STATE ADMINISTRATION		
2/28	HEARING		
3/01	COMMITTEE REPORT—BILL CONCURRED		
3/04	2ND READING CONCURRED	43	0
3/06	3RD READING CONCURRED	49	0
	RETURNED TO HOUSE		
3/07	SIGNED BY SPEAKER		
3/08	SIGNED BY PRESIDENT		
3/09	TRANSMITTED TO GOVERNOR		
3/13	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 135		
	EFFECTIVE DATE: 10/01/95		

HB 285 INTRODUCED BY LARSON, ET AL.

EXEMPT CERTAIN EMPLOYEES OF A LICENSED OUTFITTER FROM COVERAGE UNDER THE STATE OVERTIME LAW

1/19	INTRODUCED		
1/19	FIRST READING		
1/19	REFERRED TO BUSINESS & LABOR		
1/20	FISCAL NOTE REQUESTED		
1/25	HEARING		
1/26	COMMITTEE REPORT—BILL PASSED AS AMENDED		
1/27	FISCAL NOTE RECEIVED		
1/27	FISCAL NOTE PRINTED		
1/28	2ND READING PASSED	96	2
1/30	3RD READING PASSED	95	2
	TRANSMITTED TO SENATE		
1/31	FIRST READING		
1/31	REFERRED TO FISH & GAME		
2/07	HEARING		
2/08	COMMITTEE REPORT—BILL CONCURRED		
3/02	2ND READING CONCURRED	49	0
3/03	3RD READING CONCURRED	46	3
	RETURNED TO HOUSE		
3/07	SIGNED BY SPEAKER		
3/09	SIGNED BY PRESIDENT		
3/09	TRANSMITTED TO GOVERNOR		
3/13	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 114		
	EFFECTIVE DATE: 03/13/95		

HB 286 INTRODUCED BY PAVLOVICH, ET AL.

CLARIFY THAT IT IS AN UNLAWFUL ACT FOR ANY BREWER OR BEER IMPORTER TO COERCE OR PERSUADE A BEER WHOLESALER TO SET A PRICE FOR ANY PRODUCT

1/20	INTRODUCED		
1/20	FIRST READING		
1/20	REFERRED TO BUSINESS & LABOR		
1/26	HEARING		
1/28	COMMITTEE REPORT—BILL PASSED AS AMENDED		
1/30	2ND READING PASSED	97	1
1/31	3RD READING PASSED	95	1
	TRANSMITTED TO SENATE		
2/01	FIRST READING		
2/01	REFERRED TO BUSINESS & INDUSTRY		
3/08	HEARING		

HOUSE STATE ADMINISTRATION

BILL NO	REFERRED	HEARING	OTHER CONSIDERATION DATES	EXECUTIVE ACTION/DATE/VOTE	REREFERRED	DATE READ
HB0140	KADAS, MIKE		LEGISLATOR MAY PURCHASE EITHER PRINTED OR CD-ROM CODES			
	1/11	1/17		PASS AS AMENDED 1-18-95 VOTE:18-0		1/18
HB0145	BOHLINGER, JOHN		COORDINATOR FOR PEOPLE OF DIFFERENT CULTURES			
	1/11	1/17		TABLED ON 01/19 VOTE:13-5		
HB0168	ORR, SCOTT		REVISE WORK COMP RATES AND BENEFITS FOR VOLUNTEER FIREFIGHTERS			
	1/12			VOTE:	BUSINESS & LABOR	
HB0178	EWER, DAVID		REVISE BID SECURITY REQUIREMENTS FOR PURCHSE OR SALE OF BONDS			
	1/13	1/19		PASS AS AMENDED 1-20-95 VOTE:18-0		1/20
HB0205	JOHNSON, JOHN		GENERALLY REVISE TEACHERS' RETIREMENT LAWS			
	1/14	1/20		DO PASS 1-24-95 VOTE:13-5		1/24
HB0210	PAVLOVICH, BOB		ENABLE FIRST SPECIAL SERVICE FORCE MEMORIAL MONUMENT PERMANENT TRUST			
	1/14	1/18		DO PASS 1-18-95 VOTE:18-0		1/18
HB0247	HANSON, MARIAN		REGISTRATION CANCELLATION FOR CERTAIN ABSENTEE VOTERS			
	1/17	1/19		TABLED ON 01/19 VOTE:18-0		
HB0268	AHNER, CHRIS		PROVIDE A GUARANTEED ANNUAL BENEFIT ADJUSTMENT FOR PUBLIC RETIREES			
	1/18	1/31		PASS AS AMENDED 3-8-95 VOTE:15-2	APPROPRIATIONS	3/08
HB0273	GRINDE, LARRY HAL		CONST. AMEND. TO DECIDE IF LEGISLATURE MEETS IN EVEN OR ODD-NUMBERED YEARS			
	1/18	1/24		PASS AS AMENDED 2-1-95 VOTE:18-0		2/02
HB0275	WISEMAN, WILLIAM		ELECTRONIC PAYMENT OF RETIREMENT BENEFITS			
	1/18	1/24		TABLED ON 02/08 VOTE:16-2		
HB0283	TROPILA, JOE		ELIMINATE REQUIREMENT TO ROTATE NAMES ON A BALLOT			
	1/19	1/25		PASS AS AMENDED 1-30-95 VOTE:17-1		1/31
HB0284	TROPILA, JOE		ELIMINATE PRIMARY ELECTIONS FOR CERTAIN NONPARTISAN CITY ELECTIONS			
	1/19	1/25		PASS AS AMENDED 1-30-95 VOTE:18-0		1/31

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
54th LEGISLATURE - REGULAR SESSION

COMMITTEE ON STATE ADMINISTRATION

Call to Order: By **CHAIRMAN RICHARD SIMPKINS**, on January 25, 1995, at 9:00 a.m.

ROLL CALL

Members Present:

Rep. Richard D. Simpkins, Chairman (R)
Rep. Matt Denny, Vice Chairman (Majority) (R)
Rep. Dore Schwinden, Vice Chairman (Minority) (D)
Rep. Matt Brainard (R)
Rep. Patrick G. Galvin (D)
Rep. Dick Green (R)
Rep. Antoinette R. Hagener (D)
Rep. Harriet Hayne (R)
Rep. Sam Kitzenberg (R)
Rep. Bonnie Martinez (R)
Rep. Gay Ann Masolo (R)
Rep. William Rehbein, Jr. (R)
Rep. George Heavy Runner (D)
Rep. Susan L. Smith (R)
Rep. Carolyn M. Squires (D)
Rep. Jay Stovall (R)
Rep. Lila V. Taylor (R)
Rep. Joe Tropila (D)

Members Excused: none

Members Absent: none

Staff Present: Sheri Heffelfinger, Legislative Council
Christen Vincent, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing:	HB 283, HB 284, HB 295
Executive Action:	HB 283 AMENDMENT LANGUAGE APPROVED
	HB 295 DO PASS

{Tape: 1; Side: A.}

Informational Testimony: none

Questions From Committee Members and Responses:

REP. BRAINARD asked if they knew of any repercussions associated with federal ballots, national ballots or presidential ballots.

REP. TROPILA stated there would be none that he knew of. He referred the question to the Secretary of State's office.

Joe Kerwin, Election Bureau Chief, Secretary of State's Office, stated there are thirty four states that currently do not use any type of ballot rotation. The Supreme Court has not ruled there must be ballot rotation.

REP. DENNY asked if the Secretary of State's Office is aware of any studies that would indicate one way or another whether or not the placement of the names on a ballot makes a difference.

Mr. Kerwin stated there have been some studies. He said they don't have the reports in their office. He had looked at some Supreme Court cases that brought up this subject. In some states they have a two-tier method. This method lists the major parties and then the minor parties. They did that without ballot rotation. The court ruled there is an advantage to having their names at the top tier, there is also an advantage to having the names listed alphabetically.

Closing by Sponsor:

REP. TROPILA closed by stating there is no fiscal impact to the state, however there is a tremendous savings to the county. He stated he is amenable to anyone on the committee to amend the language to decide how the names are presented on the ballot.

HEARING ON HB 284

Opening Statement by Sponsor:

REP. JOE TROPILA, HD 47, opened by saying this bill was also accompanied by a fiscal note that stated there would be little or no fiscal impact on county or local governments. He stated this was completely wrong, because if they are eliminating an election they would save money. He stated this is a bill for an act entitled: "An act eliminating the primary election for nonpartisan municipal offices provided for under the municipal commission-manager form of government; and amending section 13-14-115, MCA." The law now reads if there is a filing of more than double the amount of people running for that office, there would be an election. What this does is allows the top two vote-getters in one election to become the city councilperson or city commissioner, which is a part-time job, or the mayor.

Proponents' Testimony: none

Opponents' Testimony:

Tom Huddleston, Helena City Commissioner, submitted written testimony. **EXHIBIT 7**

Informational Testimony: none

Questions From Committee Members and Responses:

CHAIRMAN SIMPKINS asked **REP. TROPILA** what would happen if it was optional. Now it is a dictate; is there a way to make it optional.

REP. TROPILA stated he didn't know if they could do that. He stated many people are concerned with elections that are unnecessary to eliminate one person in the primary into the general. There have been very few occasions where there have been double the number running in the city of Great Falls. He stated they have had a tough time getting candidates, and a tough time getting people to the polls. This is an attempt to eliminate an election and save the cities and counties money. The question was referred to **Mr. Huddleston.**

Mr. Huddleston stated he wouldn't mind an option. He stated he also wouldn't mind if the committee would amend it to a larger number. The concern is why not raise the number instead of eliminating it all together. This would create concerns that no one would want to see happen. He stated they wouldn't care what the number would be or how they would amend this to give them the option, they just don't believe individual participation in this system should be limited to cost savings. He stated he believed this was a worthwhile cost.

CHAIRMAN SIMPKINS asked if the number he was referring to was on page 2, where it says twice the number. He asked if he would like it to say three or four times the number.

Mr. Huddelston stated he thought the number was arbitrary, but if they are concerned with holding a special election for one person, to lift the cap.

CHAIRMAN SIMPKINS asked if the Secretary of State's Office knew of anything that would prevent the committee from making this optional and the cities could include it in the charter.

Mr. Kerwin stated he did not know of anything that would prevent the committee from doing that.

{Tape: 1; Side: B.}

Closing by Sponsor:

REP. TROPILA closed.

EXECUTIVE ACTION ON HB 283

Motion: REP. BILL REHBEIN MOVED THAT HB 283 DO PASS.

Discussion:

REP. REHBEIN stated he would like to amend this bill to choose name placement on ballots by lots rather than alphabetically.

REP. SQUIRES stated she liked the proposed amendment. She stated there is a 50/50 chance of either getting on the top or at the bottom.

REP. GALVIN said there are some instances where there are some people left off the ballot.

REP. BRAINARD stated that even though he had a last name that started with B in his last election he was at the bottom because he had run against two other people that had the last names that started with B as well.

REP. TAYLOR asked when the language to rotate the names was put into the law.

REP. TROPILA stated the language in this law was introduced in the 1930s.

Motion: REP. REHBEIN MOVED AN AMENDMENT TO USE LOT NUMBERS TO ESTABLISH THE PLACEMENT OF NAMES ON THE BALLOT.

Discussion:

REP. SMITH asked if this would ever propose a problem, for instance, if the first five positions on the ballot were all Democrats or Republicans, there might be complaints.

REP. TAYLOR stated if they were going to do it by lot they had to be specific as to who would draw the lots. She stated in her county it would be a problem. She thought arranging names by lot was a great idea, but they had to be sure to be specific about who would draw the lot numbers.

REP. GREEN thought alphabetical placement would be a better way to go. It would be easier to find the names of those people the voters wanted to vote for.

REP. SQUIRES thought it should be the responsibility of the election officer.

HOUSE OF REPRESENTATIVES

State Administration

ROLL CALL DATE January 25, 1995

NAME	PRESENT	ABSENT	EXCUSED
Rep. Dick Simpkin, Chairman	✓		
Rep. Matt Denny, Vice Chairman, Majority	✓		
Rep. Dore Schwinden, Vice Chair, Minority	✓		
Rep. Matt Brainard	✓		
Rep. Pat Galvin	✓		
Rep. Dick Green	✓		
Rep. Toni Hagener	✓		
Rep. Harriet Hayne	✓		
Rep. George Heavy Runner	✓		
Rep. Sam Kitzenberg	✓		
Rep. Bonnie Martinez	✓		
Rep. Gay Ann Masólo			
Rep. Bill Rehbein	✓		
Rep. Susan Smith	✓		
Rep. Jay Stovall	✓		
Rep. Carolyn Squires	✓		
Rep. Lila Taylor	✓		
Rep. Joe Tropila	✓		

County of Yellowstone

ELECTION ADMINISTRATOR
(406) 256-2743
(406) 256-2736 (FAX)

P.O. Box 35002
Billings, Montana 59107

January 18, 1995

Dear Representative Tropila,

The following page contains a break down of the amount of money that would be saved by eliminating the requirement to rotate the names of candidates on the ballots.

In looking at the cost of rotations on the ballot, there are many peripheral costs such as time spent at the printers, the time spent preparing the ballot with the correct rotations, etc; that I will not address now. These costs do exist, but are a bit more difficult to accurately assess.

In my figures I looked at the 2 main elections in 1994, the Primary and the General. I also figured out the cost for the primary election in 2 ways. One way is with an open primary (one set of ballots) and the other way is the manner in which it is now conducted, with 2 separate ballots.

Another assumption that was made is that there would be no committee people on the primary ballot. I feel that eliminating the requirement to rotate candidates on the ballot without also eliminating precinct committee people, only does half of the job. The idea of placing precinct committee people on the ballot may have some merit somewhere, but the reality of the situation is that most of the precincts end up without any candidate running for the spot. we have are required to count the write-in votes and try to determine the winner of each precinct, contact the winner to see if they will accept the position, wait up to 10 days for their response and if they choose not to accept, refer it to the political party and have them appoint their precinct person. Why not just let the central committees of each party go out and recruit their candidates and appoint them? It would save us considerable time and a great deal of money.

Thank you for your time and consideration. If you have any questions or I can be of any help, please feel free to call me at 256-2742.

Sincerely,

Duane Winslow

Duane Winslow
Election Administrator

EXHIBIT Deven
DATE 1-25-95
HB 284

HOUSE OF REPRESENTATIVES
VISITORS REGISTER

State Administration DATE January 25, 1985

BILL NO. HB284 SPONSOR(S) Tropila

PLEASE PRINT PLEASE PRINT PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	Support	Oppose
Tom Huddleston	Helena City Commission		X

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
54th LEGISLATURE - REGULAR SESSION

COMMITTEE ON STATE ADMINISTRATION

Call to Order: By **CHAIRMAN RICHARD SIMPKINS**, on January 30, 1995, at 9:00 A.M.

ROLL CALL

Members Present:

Rep. Richard D. Simpkins, Chairman (R)
Rep. Matt Denny, Vice Chairman (Majority) (R)
Rep. Dore Schwinden, Vice Chairman (Minority) (D)
Rep. Patrick G. Galvin (D)
Rep. Dick Green (R)
Rep. Antoinette R. Hagener (D)
Rep. Harriet Hayne (R)
Rep. Sam Kitzenberg (R)
Rep. Bonnie Martinez (R)
Rep. Gay Ann Masolo (R)
Rep. William Rehbein, Jr. (R)
Rep. George Heavy Runner (D)
Rep. Susan L. Smith (R)
Rep. Carolyn M. Squires (D)
Rep. Jay Stovall (R)
Rep. Lila V. Taylor (R)
Rep. Joe Tropila (D)

Members Excused: Rep. Matt Brainard (R)

Members Absent: none

Staff Present: Sheri Heffelfinger, Legislative Council
Christen Vincent, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing:	None	
Executive Action:	HB 275	POSTPONED
	HB 284	DO PASS AS AMENDED
	HB 283	DO PASS AS AMENDED
	HB 312	DO PASS AS AMENDED
	HB 319	DO PASS AS AMENDED
	HB 306	DO PASS
	HB 316	DO PASS AS AMENDED
	HB 324	DO PASS
	HB 325	POSTPONED

REP. STOVALL asked if the committee were to pass this bill if that option would be taken away from the people.

CHAIRMAN SIMPKINS stated the option would still be in place. He stated the way the law reads now the board notifies the people they can sign up for electronic funds transfer. If the people don't sign up the check will come to the person in the mail. This bill will reverse that and these people will be put on electronic funds transfer unless they object. He took an informal vote to see if the committee wanted to reverse this process where they would automatically be put on electronic funds transfer unless waived. This carried and executive action was held until the amendment could be prepared.

EXECUTIVE ACTION ON HB 284

Motion: REP. SUSAN SMITH MOVED THAT HB 284 DO PASS.

Motion/Vote: REP. DORE SCHWINDEN MADE A DO PASS MOTION ON THE AMENDMENT. Motion carried unanimously with REP. MATT BRAINARD voting by proxy.

Motion: REP. SUSAN SMITH MOVED HB 284 DO PASS AS AMENDED.

Vote: Motion DO PASS AS AMENDED carried unanimously.

EXECUTIVE ACTION ON HB 283

Motion: REP. DORE SCHWINDEN MOVED TO DISREGARD ALL PREVIOUS MOTIONS. Motion passed unanimously.

Motion: REP. CAROLYN SQUIRES MOVED THAT HB 283 DO PASS.

Motion/Vote: REP. CAROLYN SQUIRES MADE THE MOTION DO PASS ON THE AMENDMENT. Motion carried 15-3 with REP. MATT BRAINARD (by proxy), REP GAY ANN MASOLO, and REP. SUSAN SMITH voting no.

Motion: REP. CAROLYN SQUIRES MOVED HB 283 DO PASS AS AMENDED.

Vote: Motion DO PASS AS AMENDED carried 17-1 with REP. GAY ANN MASOLO voting no with REP. MATT BRAINARD voting by proxy.

EXECUTIVE ACTION ON HB 312

Motion: REP. SUSAN SMITH MOVED DO PASS ON HB 312.

Discussion:

Sheri Heffelfinger explained the Fish, Wildlife and Parks amendment. **Bob Lane** testified they would like this amendment

HOUSE OF REPRESENTATIVES

State Administration

ROLL CALL DATE Jan. 30, 1995

NAME	PRESENT	ABSENT	EXCUSED
Rep. Dick Simpkin, Chairman	✓		
Rep. Matt Denny, Vice Chairman, Majority	✓		
Rep. Dore Schwinden, Vice Chair, Minority	✓		
Rep. Matt Brainard			✓
Rep. Pat Galvin	✓		
Rep. Dick Green	✓		
Rep. Toni Hagener	✓		
Rep. Harriet Hayne	✓		
Rep. George Heavy Runner	✓		
Rep. Sam Kitzenberg	✓		
Rep. Bonnie Martinez	✓		
Rep. Gay Ann Masólo	✓		
Rep. Bill Rehbein	✓		
Rep. Susan Smith	✓		
Rep. Jay Stovall	✓		
Rep. Carolyn Squires	✓		
Rep. Lila Taylor	✓		
Rep. Joe Tropila	✓		

HOUSE STANDING COMMITTEE REPORT

January 30, 1995

Mr. Speaker: We, the committee on **State Administration** report that **House Bill 284** (first reading copy -- white) **do pass as amended**.

Signed: Dick Simpkins
Dick Simpkins, Chair

And, that such amendments read:

1. Title, lines 4 through 6.
Following: ""AN ACT"
Strike: "ELIMINATING" on line 4 through "GOVERNMENT" on line 6.
Insert: "RAISING THE NUMBER OF CANDIDATES NECESSARY BEFORE AN ELECTION ADMINISTRATOR IS REQUIRED TO CONDUCT A PRIMARY ELECTION",

2. Page 1, lines 19 and 21.
Strike: "twice"
Insert: "three times"

3. Page 1, line 26.
Strike: "Except as provided in subsection (5), the"
Insert: "The"

4. Page 1, lines 29 and 30.
Strike: subsection (5) in its entirety

5. Page 2, lines 7 and 8.
Strike: "All" on line 7 through "43," on line 8
Insert: "If, pursuant to 13-14-115(3), a primary election is not held, then all candidates who filed for an office"

1/30
Committee Vote:
Yes 18, No 0.

251208SC.Hbk

HOUSE OF REPRESENTATIVES

ROLL CALL VOTE

State Administration

DATE January 30, 1995 BILL NO. HB NUMBER 284

MOTION: Rep. Smith moved Do Pass as amended

NAME	AYE	NO
Rep. Dick Simpkin, Chairman	✓	
Rep. Matt Denny, Vice Chairman, Majority	✓	
Rep. Dore Schwinden, Vice Chairman, Minority	✓	
Rep. Matt Brainard By Proxy	✓	
Rep. Pat Galvin	✓	
Rep. Dick Green	✓	
Rep. Toni Hagener	✓	
Rep. Harriet Hayne	✓	
Rep. George Heavy Runner	✓	
Rep. Sam Kitzenberg	✓	
Rep. Bonnie Martinez	✓	
Rep. Gay Ann Masolo	✓	
Rep. Bill Rehbein	✓	
Rep. Susan Smith	✓	
Rep. Jay Stovall	✓	
Rep. Carolyn Squires	✓	
Rep. Lila Taylor	✓	
Rep. Joe Tropila	✓	

35169

HOUSE OF REPRESENTATIVES

ROLL CALL VOTE

State Administration

DATE 1-30-95 BILL NO. HB NUMBER 884

MOTION: Rep. Dore Schwinden moved a do pass on the amendment.

NAME	AYE	NO
Rep. Dick Simpkin, Chairman	✓	
Rep. Matt Denny, Vice Chairman, Majority	✓	
Rep. Dore Schwinden, Vice Chairman, Minority	✓	
Rep. Matt Brainard By Proxy	✓	
Rep. Pat Galvin	✓	
Rep. Dick Green	✓	
Rep. Toni Hagener	✓	
Rep. Harriet Hayne	✓	
Rep. George Heavy Runner	✓	
Rep. Sam Kitzenberg	✓	
Rep. Bonnie Martinez	✓	
Rep. Gay Ann Masolo	✓	
Rep. Bill Rehbein	✓	
Rep. Susan Smith	✓	
Rep. Jay Stovall	✓	
Rep. Carolyn Squires	✓	
Rep. Lila Taylor	✓	
Rep. Joe Tropila	✓	

CHAIRMAN--ETHEL HARDING
NORMAL SCHEDULE==> SITE: ROOM 331 DAYS: M,T,W,T,F TIME: 10:00 A.M.
SECRETARY-GAIL MOSER

BILL NO	REFER DATE	HEARING DATE	TITLE/OTHER CONSIDERATION DATES	EXECUTIVE ACTION/DATE	REREFERRED TO COMM	DATE READ
HB0140 KADAS, MIKE	1/21	1/27	LEGISLATOR MAY PURCHASE EITHER PRINTED OR CD-ROM CODES	CONCUR 01/27		1/28
HB0178 EWER, DAVID	1/24	2/02	REVISE BID SECURITY REQUIREMENTS FOR PURCHSE OR SALE OF BONDS	CONCUR 02/02		2/02
HB0205 JOHNSON, JOHN	1/28	2/06	GENERALLY REVISE TEACHERS' RETIREMENT LAWS	CONCUR 02/06		2/07
HB0210 PAVLOVICH, BOB	1/24	2/02	ENABLE FIRST SPECIAL SERVICE FORCE MEMORIAL MONUMENT PERMANENT TRUST	CONCUR 02/02		2/02
HB0273 GRINDE, LARRY HAL	2/20	3/07	CONST. AMEND. TO DECIDE IF LEGISLATURE MEETS IN EVEN OR ODD-NUMBERED YEARS 03/06 03/13	CONCUR 03/17		3/14
HB0284 TROPILA, JOE	2/03	2/28	ELIMINATE PRIMARY ELECTIONS FOR CERTAIN NONPARTISAN CITY ELECTIONS	CONCUR 02/28		3/01
HB0295 HOLLAND, DON	1/31	2/08	REQUIRE COMMISSIONER ISSUE NONCOMPLIANCE ORDERS IN CAMPAIGN REPORTING 02/28	CONCUR 02/28		3/01
HB0298 GALVIN, PATRICK	1/28	2/06	INCREASE WORK TIME AND WORK EARNINGS ALLOWANCE FOR PERS RETIREES	CONCUR 02/06		2/07
HB0304 FISHER, MARJORIE	3/10	3/17	AUTHORIZE REGIONAL CORRECTIONAL FACILITIES 03/21	CONCUR 03/21		3/21
HB0306 HAYNE, HARRIET	2/20	3/06	INCREASE BENEFITS; PROVIDE 20 YR RETIREMENT IN SHERIFFS' RETIREMENT SYSTEM	CONCUR 03/06		3/06
HB0316 HARRINGTON, DAN	2/04	3/01	REVISE AND CLARIFY THE PURCHASE OF CERTAIN CREDITABLE SERVICE UNDER TRS	CONCUR 03/01		3/02

MINUTES

MONTANA SENATE
54th LEGISLATURE - REGULAR SESSION

COMMITTEE ON STATE ADMINISTRATION

Call to Order: By **CHAIRMAN ETHEL HARDING**, on February 28, 1995, at 10:05 a.m.

ROLL CALL

Members Present:
Sen. Ethel M. Harding, Chairman (R)
Sen. Kenneth "Ken" Mesaros, Vice Chairman (R)
Sen. Mack Cole (R)
Sen. Mike Foster (R)
Sen. Don Hargrove (R)
Sen. Bob Pipinich (D)
Sen. Jeff Weldon (D)

Members Excused: Sen. Vivian M. Brooke (D)

Members Absent: N/A

Staff Present: David Niss, Legislative Council
Gail Moser, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing:	HB 284, HB 319, HB 379	
Executive Action:	HB 379	BE CONCURRED IN
	HB 319	BE CONCURRED IN AS AMENDED
	HB 284	BE CONCURRED IN
	HB 63	BE CONCURRED IN AS AMENDED
	HB 295	BE CONCURRED IN

{Tape: 1; Side: ; Approx. Counter: 55.6}

HEARING ON HB 284

Opening Statement by Sponsor:

REP. JOE TROPILA, House District 47, Great Falls, stated the purpose of HB 284 was expressed in the title. He explained the original intent of the bill was to eliminate the Primary Election for non-partisan elections in cities which have a city management form of government. He reported the House Committee had amended the bill to not eliminate the Primary Election but to raise the

criteria from two times the number of candidates on the ballot to three times. He explained the reasoning for the bill was the cities with city management forms of government elect two city commissioners every other year. If five people file for the city commission there must be a primary election, costing $16,000-$20,000, to eliminate one candidate. The House had decided to raise the criteria to three times the number of filed candidates rather than eliminate the Primary Election. In effect, if a city sought to elect two candidates and seven people filed, there would have to be a Primary Election; if only six candidates file, there would only be a General Election. He noted HB 284 could potentially save cities a large amount of money.

Proponents' Testimony: None.

Opponents' Testimony: None.

Questions From Committee Members and Responses:

SEN. MACK COLE asked how often cities were required to hold a Primary Election for the sole purpose of eliminating a candidate. **REP. TROPILA** replied only towns with a city manager form of government in a non-partisan election have the requirement. He reported as Election Administrator for Cascade County he had encountered the situation twice in Great Falls costing the city $16,000-$20,000.

SEN. KEN MESAROS asked how many cities in the state have a city manager form of government. **REP. TROPILA** replied Butte, Silver Bow; Deer Lodge, Anaconda; Great Falls and Helena.

SEN. BOB PIPINICH reported the city of Anaconda had encountered the situation and it had cost the city $12,000.

Closing by Sponsor:

REP. TROPILA closed without further comment.

HEARING ON HB 319

Opening Statement by Sponsor:

REP. JOE TROPILA, House District 47, Great Falls, stated HB 319 was a result of his 10 years as Election Administrator. He said current law read that absentee ballots must be mailed or picked up in person. He explained current law did not allow a voter to pick up an absentee ballot for a member of their family or

suggested the Committee keep the limit at two and see how it worked for a few years. He stated *four* could open the situation for mischief.

SEN. PIPINICH hesitated to amend the bill and send it back to the House. He agreed with Senator Foster that the bill could be changed after a few years.

SEN. COLE agreed with Senator Weldon and noted the individual picking up the ballots would be required to sign for the ballots. He stated mischief could be present at *two* as well as *four*.

Vote: The **MOTION TO AMEND HB 319 CARRIED 4-3** on roll call vote.

Motion/Vote: **SEN. PIPINICH** moved that **HB 319 BE CONCURRED IN AS AMENDED.** The **MOTION CARRIED UNANIMOUSLY** on oral vote. **SEN. PIPINICH** will carry the bill on the Senate floor.

EXECUTIVE ACTION ON HB 284

Motion/Vote: **SEN. MESAROS** moved that **HB 284 BE CONCURRED IN.** The **MOTION CARRIED UNANIMOUSLY** on oral vote. **SEN. PIPINICH** will carry the bill on the Senate floor.

EXECUTIVE ACTION ON HB 63

Discussion: **David Niss** reminded the Committee that HB 63 changed the requirements for qualification for the retirement for volunteer firefighters, and he handed out an amendment that had been requested by the sponsor **(EXHIBIT 1)**.

Motion: **SEN. FOSTER** moved that **HB 63 BE CONCURRED IN.** **SEN. FOSTER** moved **TO SEGREGATE #3 OF THE AMENDMENTS AND ADOPT #1, #2 & #4.**

Discussion: **SEN. FOSTER** reminded the Committee that the main complaint firefighters had with HB 63 was the $25,000 equipment requirement and they had compromised at $12,000. He added he would like to amend the bill to include the building.

ADJOURNMENT

Adjournment: 11:00 AM

03/01/95 AT 11:10 AM, **Senator Brooke** notified the Secretary that her votes should be counted as follows:

HB 379	BE CONCURRED IN	**Aye**
HB 319	BE CONCURRED IN AS AMENDED	**Aye**
HB 284	BE CONCURRED IN	**Aye**
HB 63	BE CONCURRED IN AS AMENDED	**Aye**
HB 295	BE CONCURRED IN	**Aye**

Ethel M. Harding
ETHEL M. HARDING, Chairman

GAIL MOSER, Secretary

Tina Price
TINA PRICE, Transcriber

EMH/gem/tp

MONTANA SENATE
1995 LEGISLATURE
STATE ADMINISTRATION COMMITTEE

ROLL CALL DATE Tues 02-28-95

NAME	PRESENT	ABSENT	EXCUSED
VIVIAN BROOKE			✓
MACK COLE	✓		
MIKE FOSTER	✓		
DON HARGROVE	✓		
BOB PIPINICH	✓		
JEFF WELDON	✓		
KEN MESAROS, VICE CHAIRMAN	✓		
ETHEL HARDING, CHAIRMAN	✓		

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SENATE STANDING COMMITTEE REPORT

February 28, 1995

MR. PRESIDENT:

We, your committee on State Administration having had under consideration HB 284 (third reading copy -- blue), respectfully report that HB 284 be concurred in.

Signed: Ethel M. Harding
Senator Ethel M. Harding, Chair

Amd. Coord.
Sec. of Senate

Senator Carrying Bill

461434SC.SRF